

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,)
)
Plaintiff,) Case No: 12-CR-728 (PG)
)
vs.) SENTENCING HEARING
)
BETSIAN CARRASQUILLO-PENALOZA,)
)
Defendant.)

TRANSCRIPT OF SENTENCING HEARING
HELD BEFORE
THE HONORABLE JUDGE JUAN M. PEREZ-GIMENEZ
Monday, July 7, 2014

A P P E A R A N C E S

For the United States:

Ms. Evelyn Canals-Lozada, AUSA
Mr. Marshal D. Morgan, AUSA

For the Defendant:

Ms. Joannie Plaza-Martinez, AFD

1 (PROCEEDINGS COMMENCED AT 1:50 P.M.)

2

3 THE CLERK: Criminal Case No. 12-728, United
4 States of America versus Betsian Carrasquillo-Penalosa,
5 cased called for Sentencing Hearing.

6 On behalf of the Government, Assistant U.S.
7 Attorneys Evelyn Canals-Lozada and Marshal D. Morgan.

8 On behalf of the Defendant, Assistant Federal
9 Public Defender Joannie Plaza-Martinez.

10 Defendant is present and will be assisted by the
11 court interpreter.

12 THE COURT: Are the parties ready?

13 MS. PLAZA-MARTINEZ: Yes, Your Honor. Good
14 afternoon.

15 MR. MORGAN: We are ready.

16 MS. PLAZA-MARTINEZ: Your Honor, may I address the
17 Court from the Defense table?

18 THE COURT: Yes.

19 MS. PLAZA-MARTINEZ: Thank you.

20 Your Honor, I understand that the sentencing had
21 been already started. And at the previous hearing, I had
22 asked the Court, since the Government was going to present
23 and they did present a video, that they allocute and argue
24 for sentencing before us, and then I was allowed to do it
25 last. And the Court, I think, said okay.

1 THE COURT: Yes.

2 MS. PLAZA-MARTINEZ: So, nonetheless, I filed a
3 motion in docket 1273 asking for a hearing challenging the
4 Government's failure to file a motion for a downward
5 departure for substantial cooperation and reports for
6 hearing.

7 Is the Court going to address that motion right
8 now?

9 THE COURT: I am going to address it, but I want
10 to know why you make such allegations.

11 MS. PLAZA-MARTINEZ: Your Honor, may this portion
12 of the sentencing hearing be sealed and the public in the
13 courtroom be excluded because of the things that we are
14 going to discuss.

15 MR. MORGAN: Your Honor, may we just approach?

16 THE COURT: Yes.

17 MS. PLAZA-MARTINEZ: Okay.

18 (Whereupon, the following proceedings were held at
19 sidebar:)

20 MS. PLAZA-MARTINEZ: Thank you.

21 Your Honor, in this case, the Government had filed
22 a previous motion. Although it was not specifically
23 addressed with the Government's motion when they opposed
24 continuing sentencing hearing and the representations made
25 in the motion, I took them as Government's notice that they

1 were not going to file a 5K motion.

2 The Court is aware that the Defendant has signed a
3 plea and cooperation agreement in this case. Those things
4 are not in dispute but some that I will be briefing.

5 One of them is that the Defendant was debriefed on
6 two occasions and that she gave others. She was charged
7 with and she pled guilty to and she also provided additional
8 information about other criminal acts.

9 The Government's motion, when they -- the motion I
10 take as the Government's -- of not filing a 5K motion, they
11 say that although they considered the Defendant gave
12 information, they understand, because the passage of time,
13 that the information was not of use or of little use for the
14 Government, although they didn't say that the Defendant was
15 undeserving of a 5K motion.

16 I filed my motion, and I know that the threshold
17 is very high for me because I have to make a substantial
18 threshold for the Court to -- to put the Government in the
19 position to explain why they have not filed a 5K motion.

20 And in my motion, what I tell the Court,
21 basically, is that I understand that the information that
22 the Defendant provided, it's of a lot of use. It's not as
23 the Government represented, of little use, even given on the
24 first debriefing, which was several months after she had
25 been arrested, and the second debriefing, which took place

1 in this year, 2014.

2 More specifically, I think that the more
3 substantial information she gave was concerning another
4 participant of this crime who was present and in the parking
5 lot of the hotel where my client was arrested.

6 And although the Government is put in the
7 position -- they have stated the position that they
8 understand that, as far as I know, they are not going to do
9 anything about that information, I understand that my client
10 complied with her part of the bargain, and she gave
11 information. She was willing to be a witness for the Grand
12 Jury and testify against this individual, who we understand
13 is a participant of the charged crime.

14 The Government's position -- and I believe their
15 explanation under the motion about why they think that
16 information is useless, I think that actually contravenes
17 the language of the case that I cited in my motion, which is
18 the case of U.S. versus --

19 THE COURT: -- Nelson Rodriguez.

20 MS. PLAZA-MARTINEZ: And in that case --

21 THE COURT: That was my case.

22 MS. PLAZA-MARTINEZ: I understand that.

23 One of the reasons the Court may hold the
24 Government up to its position or to the contract obligation
25 is if the prosecutorial choice is not rationally related to

1 the legitimate Government objective.

2 I understand that though it is not rationally
3 related, that the choice the Government not to do anything
4 with the information that the Defendant provided is not
5 rationally related to any legitimate Government.

6 On the contrary, I think it is the Government's
7 objective to prosecute anyone who is involved in the
8 exploitation of minors. And if they have a person who is
9 going to be a witness, to bring to justice someone who is
10 participating, I think it is a legitimate Government
11 business.

12 And the fact that my client is willing to assist
13 the Government in that position, I think that it just shows
14 that there is no valid reason for the Government not to do
15 anything with that information and just say that because of
16 the passage of time, they are not willing to do anything
17 about that.

18 That would be our position, Your Honor.

19 THE COURT: Not only that, but with my
20 recollection of reading the papers that were filed with the
21 Court prior to pleading guilty, your client was seen with
22 that gentleman driving the car. So the Government knew
23 that.

24 You make a lot of emphasis of the fact that the
25 daughter was willing to cooperate and give names and phone

1 numbers, but that's for the daughter. Not for the mother.

2 And the case that you cite, Rodriguez, it
3 specifically says substantial assistance is a higher
4 standard for the Defendant to meet than mere cooperation.

5 I assume that what the Government is telling the
6 Court, that there was mere cooperation on the part of your
7 client, who gives a number of the person who go there with
8 her daughter and the other individuals. They are minors.
9 The Government knew about that. That she was willing to
10 testify against them, that is cooperation. But I don't
11 think it goes up to the standard of substantial cooperation
12 in this case.

13 Aside from what you have stated that she told the
14 agents, I don't see that that is substantial at all.

15 There is no issue here that it was true or not
16 true. The Government is not relying on truthfulness. It's
17 just that I don't -- I find that there is no
18 unconstitutional reason involved here for not providing her
19 with a substantial assistance motion, but I will hear from
20 Mr. Morgan.

21 MR. MORGAN: I agree with everything that you are
22 saying. And, really, just for purposes of the record -- and
23 this is so you can tell your client this also -- you know,
24 we are not taking this case personally. And we don't -- we
25 are not out to get your client at all.

1 On the contrary, I think that we have shown good
2 faith since the very beginning in wanting to -- wanting her
3 to be able to provide us the information. I think at the
4 end of the day, however, it just didn't come to fruition.

5 There is no bad faith in us withholding the 5K.
6 It is just that when it comes down to the case, the passage
7 of time does affect the ability for us to use the
8 information.

9 But in addition to that, and without getting into
10 the specifics, there wasn't much that we could do, actually,
11 with the information.

12 It's not a question of us choosing not to use the
13 information. It is an inability to use the information that
14 she gave to us.

15 I just want that to be clear.

16 MS. PLAZA-MARTINEZ: Submitted, Your Honor.

17 MR. MORGAN: The truth is that we would
18 love -- it's very rare that we allow, except in cooperation
19 cases of sex trafficking and transportation -- given her
20 position at the time, we were hoping that it could be more
21 fruitful. But, I mean, at the end of the day, I am
22 disappointed that we weren't able to get more information.

23 THE COURT: Even in your own motion, at page 5,
24 you state -- the Government's motion -- that at the time of
25 the first debriefing, they were fairly aware of the

1 co-participant, of her knowledge regarding prostitution of
2 minors but that, due to the passage of time, there was
3 little to nothing that the agents could do to make an arrest
4 or even continue with the investigation.

5 MS. PLAZA-MARTINEZ: That is the Government's
6 position, and I disagree precisely because they knew who she
7 was, and she was under immigration investigation.

8 I think they had information and available
9 witnesses, and they were available also to arrest that
10 person, who was never arrested, as far as we know.

11 THE COURT: The Government had their reasons.
12 Maybe it's an undercover agent. They felt they didn't have
13 enough to charge that other person.

14 But, in any event, throughout the time that I have
15 had this case, and ever since the beginning, I gather from
16 what the Government has stated to the Court and in its
17 motions that, yes, she did cooperate to some extent but that
18 that is not a substantial cooperation as required by section
19 5K1.1. And, therefore, your motion is denied.

20 I find that there is no bad faith on the part of
21 the Government.

22 As a matter of fact, I think it was the Government
23 who actually reluctantly gave the second debriefing, because
24 at the first debriefing, there was really not that much
25 information that was received that the Government could

1 really use to file a 5K1.1.

2 We had to continue the sentencing.

3 MR. MORGAN: That is a true statement, now that my
4 memory comes back.

5 THE COURT: So your motion is denied.

6 MS. PLAZA-MARTINEZ: Very well.

7 (Back on the record.)

8 MS. PLAZA-MARTINEZ: Thank you, Your Honor.

9 Therefore, now that the Government has disposed --
10 the Court has disposed of our outstanding motion in
11 docket 72, I will ask then that the Government finish their
12 presentation in argument, and if I may ask to go last for
13 sentencing purposes.

14 Since they already presented the video, I wanted
15 not to bifurcate our proceedings. And since the Defendant
16 is the one facing punishment, I ask the Court's leniency
17 allowing me to go last before the Government.

18 THE COURT: At this time I am asking you again,
19 have you read the pre-sentence report?

20 MS. PLAZA-MARTINEZ: I have, Your Honor.

21 THE COURT: And have you explained to your client
22 the information contained in the pre-sentence report?

23 MS. PLAZA-MARTINEZ: I have, Your Honor.

24 THE COURT: Ms. Carrasquillo, did your attorney
25 explain to you the information contained in the pre-sentence

1 report?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Is there any information in that
4 report that needs to be corrected?

5 THE DEFENDANT: No.

6 THE COURT: Any from the Government?

7 MR. MORGAN: No. None, Your Honor.

8 THE COURT: Now you want the Government to go
9 first, and then you will make your allocution later on?

10 MS. PLAZA-MARTINEZ: Yes, Your Honor.

11 THE COURT: All right.

12 MS. PLAZA-MARTINEZ: Thank you.

13 MR. MORGAN: Your Honor, there isn't much that we
14 really need to add. The Court saw the videos last time.

15 We recognize in the pre-sentence report that the
16 guidelines came out to something less than the 10 years, and
17 the 10 years is the mandatory minimum in this case. And we
18 think that that's apropos, all things considered, and we
19 stand by our recommendation in the plea agreement.

20 THE COURT: Ms. Plaza.

21 MS. PLAZA-MARTINEZ: Thank you, Your Honor.

22 As part of my argument, I want to adopt the
23 information that I filed with the Court in writing.

24 Specifically, I am talking about docket number 66 and its
25 attachments, and also the addendum of the diagnostic

1 examination that I filed with the court in docket 71, with
2 its attachment, which is the addendum, which is attachment 1
3 of docket 71.

4 As I stated in my sentencing memo, which is
5 basically a little history of this Defendant, Betsian
6 Carrasquillo, I think that to understand someone's behavior,
7 you cannot look at it in the abstract.

8 It's important to understand what made my client
9 become the person she is today, being 35 years old. And I
10 think both my memorandum and the attachment, including
11 Dr. Margarida's narrow diagnostic evaluation and the
12 addendum that she filed after she had viewed the video that
13 the Court observed at the last hearing in May, it's quite --
14 I would say it's quite sad but kind of logical to see why
15 Bestian was involved in the crime she committed.

16 And going from the pre-sentence report, at the
17 last page, comments made by the probation officer, saying
18 that it is commonly universal -- it's none universally that
19 mothers and fathers protect their kids, that it's expected
20 for them to protect them, and when they are not protecting
21 them, we are enraged. We cannot understand it or tolerate
22 it.

23 And this is exactly why Betsian is here, because
24 she is an adult now, but she was a victim herself.

25 It's not a surprise that Bestian was abused by her

1 father when she was five years old, abused by her
2 stepfather, and by other adult males when she was still a
3 child.

4 One of them, who assisted my client in becoming a
5 prostitute when she was just a girl, is still walking the
6 Loiza Streets here in Puerto Rico. He has never been taken
7 to court, has never been charged with anything. And this
8 man, like many others, took advantage of my client when she
9 was a girl.

10 So although she appears to be a monster here
11 today, she was a victim too. And where was the system when
12 she needed it most?

13 Luckily, although it's sad to see that she is
14 facing jail time, it's because of this case that I believe
15 the cycle is going to stop. Because she was a victim, then
16 she became the abuser. We don't want her daughter, who is
17 here in court, to go through that same cycle.

18 We want Bestian to be the mother she has to be,
19 the mother her daughter deserves to have, but we cannot just
20 condemn her for her acts and fail to understand why does a
21 person like her become the person she is.

22 And it was going through those meetings with
23 Dr. Margarida, somebody who has the training and experience
24 to deal with a person like her. Bestian comes out very,
25 very strong-minded, comes out tough, hard to talk to. But

1 it was then in those meetings with Dr. Margarida where she
2 wept and cried, going back to her childhood, thinking of the
3 things that she had to endure, not understanding that she
4 was turning her daughter into herself.

5 As Dr. Margarida recommends in her report, Bestian
6 needs drug addiction and alcohol treatment. Why? Because
7 she was a drug user and abuser when she was a child. That's
8 part of the system she created to cope with the sexual abuse
9 she endured when she was a child.

10 She was offered drugs by her own family members,
11 the people who were supposed to protect her. She has been
12 an addict for years, an alcohol abuser as well, as the video
13 shows, and she also needs mental health treatment,
14 psychotherapy, because we need to make sure that this family
15 gets better.

16 Giving her jail time is not going to resolve the
17 problem by itself because that daughter is never going to
18 stop being my client's daughter. She is never going to stop
19 being her mother.

20 And the love they share, even as twisted as it may
21 seem, it is not going to end just because my client
22 committed a crime, she was prosecuted, she plead guilty, she
23 is sentenced, and she goes to jail. We need to help her and
24 her daughter and all the family members who have been
25 affected and abused and who are part of the cycle.

1 I understand that this is the beginning of -- she
2 is 35 years old, but there is a long way to go, and she can
3 become that mother.

4 I ask the Court to consider her background. The
5 Court cannot sentence my client for less than 10 years,
6 unfortunately. It's a mandatory minimum. Otherwise, I
7 would be asking the Court for less, but please do not
8 consider sentencing her to any higher term of imprisonment.

9 Also, consider as part of the mitigating factors
10 the information that, although it was not sufficient to move
11 the Government to file a motion under section 5K1.2, it is
12 still something that mitigates her punishment.

13 We also want the Court to consider her medical
14 condition. My client is in a wheelchair today because she
15 has many conditions. One of them, which has not been able
16 to be detected or determined, is giving her severe pain on
17 one of her sides. She has been under medication since
18 Thursday.

19 We ask the Court to also recommend to BOP, as part
20 of her term of imprisonment, to give her the medical
21 attention she needs, starting today.

22 We ask the Court -- although she is supposed to
23 follow procedures, ask for medical services, she has been
24 doing that. She is in pain. We ask the Court to please
25 urge BOP to give her the medical attention she needs.

1 We also the ask the Court to recommend that she be
2 sentenced -- she be designated to Coleman Institution. Why?
3 Because we want her to be in Florida, which is the closest
4 to Puerto Rico. She has a brother up in Pennsylvania, but
5 that's up north and cold. And because of her medical
6 conditions, I think it's better for her to stay in a warmer
7 place, closer, at least, to her family members, although she
8 will not be able to see them while she is in jail.

9 So, therefore, taking all this information into
10 consideration, we ask the Court to sentence her to the
11 minimum term of imprisonment.

12 Before I end my argument, Your Honor, I know there
13 is nothing I can do about this. And at the last hearing, I
14 asked that these proceedings were sealed so there was no
15 public or press here in court. And I did that not to
16 protect my client, because she is always in the news. This
17 is a big case. Everybody likes to read about it. But it's
18 because of her daughter. And just because you don't name
19 her in the press doesn't mean everybody knows who they are
20 talking about.

21 So whenever something is written about Betsian
22 Carrasquillo, and they say, "The victim is the daughter,"
23 and they put a big picture of my client there, everybody in
24 the neighborhood knows -- everybody in the school knows who
25 this girl's mother is.

1 So, although you don't put the name there,
2 everybody knows she is the minor, and she is being
3 victimized constantly by this information being in the
4 press.

5 We ask that that is also taken into consideration,
6 if the Court can do something about it to protect her, who
7 is a teenager, who needs to live with this, and she also
8 needs to move away from the trauma.

9 That will be all. Thank you.

10 THE COURT: Thank you.

11 Anything else from the Government?

12 MR. MORGAN: No, Your Honor.

13 THE COURT: All right.

14 On October 11, 2013, Defendant Betsian
15 Carrasquillo-Penaloza pled guilty to Count One of the
16 superseding indictment in Criminal 12-728, charges violating
17 Title 18, United States Code section 2423(a), that is,
18 transportation of a minor with the intent to engage in
19 criminal sexual activity, which is a Class A felony.

20 The Court has used the November 1st 2013 Edition
21 of the United States Sentencing Guideline manual to apply
22 the now advisory guideline calculations.

23 The guideline for 18 U.S.C. 2423(a) offenses is
24 found in guideline 2G1.3. That section provides that an
25 offense involving the transportation of minor to engage in

1 criminal sexual activity has a base offense level of 28.

2 Since the Defendant was the mother of the minor, a
3 two level increase is warranted pursuant to guideline
4 2G1.3(b)(1)(A).

5 MS. PLAZA-MARTINEZ: I am sorry to interrupt,
6 Your Honor, but the Court did not address the Defendant.

7 THE COURT: I am sorry. You are correct. Thank
8 you for reminding me.

9 MS. PLAZA-MARTINEZ: Yes, Your Honor.

10 THE COURT: Ms. Carrasquillo, is there anything
11 you would like to state to the Court before I pronounce
12 sentence? You don't have to, but you may do so.

13 THE DEFENDANT: I would like to apologize to you
14 first, and I ask my daughter to forgive me.

15 I have a lot of faith in God. I have faith that
16 when I leave here, I am going to be the mother that they are
17 wishing for.

18 MS. PLAZA-MARTINEZ: That would be all,
19 Your Honor.

20 THE COURT: Thank you.

21 The guideline for 18 U.S.C. 2423(a) offenses is
22 found in guideline 2G1.3. That section provides that an
23 offense involving the transportation of a minor to engage in
24 criminal sexual activity has a base offense level of 28.

25 Since the Defendant was the mother of the minor, a

1 two level increase is warranted pursuant to guideline
2 2G1.3(b)(1)(A).

3 Since the offense involved a commercial sex act, a
4 two level increase is warranted pursuant to guideline
5 2G1.3(b)(4).

6 The Defendant has timely accepted responsibility
7 for the offense conduct. Therefore, a three level reduction
8 is warranted pursuant to guideline sections 3E1.1(a) and
9 (b).

10 There are no other applicable guideline
11 adjustments.

12 Based on a total offense level of 29 and a
13 Criminal History Category of I, the guideline imprisonment
14 range in this particular case, and pursuant to guideline
15 section 5G1.1(b), is 120 months, which is the mandatory
16 minimum sentence provided by the law.

17 There is a fine range of \$15,000 to \$150,000, plus
18 a supervised release term of not less than five years, up to
19 life.

20 The Court has reviewed the guideline calculations
21 and finds that the pre-sentence investigation report has
22 adequately applied the guideline computations and that it
23 satisfactorily reflects the components of the offense by
24 considering its nature and circumstances.

25 The Court has also considered the other sentencing

1 factors as set forth in 18 U.S.C. 3553(a).

2 Ms. Carrasquillo is a 35-year-old female who has
3 four children. She has a seventh grade education and has a
4 history of mental health issues.

5 She has been addicted to drugs and excessive
6 alcohol consumption in the past.

7 She had a previous conviction for violating
8 Title 95 of the Puerto Rico Penal Code, which was reduced to
9 a lesser charge. It's a case for which she was sentenced to
10 a probationary term.

11 She physically attacked Shara M. Pizarro
12 Carrasquillo using a knife, caused an injury on this
13 individual's right leg, and she had to be transported to the
14 hospital. But the Court and the record should reflect that
15 the Court is not considering that previous case as part of
16 the sentence in this case.

17 The interviews conducted by the agents of the
18 individuals who worked at bar *La Fuente de Todos* helped
19 corroborate that the Defendant had her daughter working in
20 this bar when she was under 14 years old, has informed that
21 the Defendant brought men for her daughter to have sexual
22 encounters in exchange for money, exposing her to be
23 sexually abused, to suffer physical injuries and emotional
24 disturbances.

25 Although the pre-sentence investigation report

1 reports that -- at the bottom of page, the report states
2 that the Defendant chose to look the other way in this
3 matter related to her daughter, but we have the information
4 provided by the psychodiagnostic evaluation performed by
5 Dr. Maria Margarida Julia, who is a neuropsychologist, to
6 the effect that, rather than assuming she looked the other
7 way with respect her daughter, in light of the present
8 charges, the extensive literature regarding victimization
9 indicates that social, emotional, contextual, familiar and
10 psychological limitations resulted in significantly reducing
11 Ms. Carrasquillo's mental and reasoning capacity, distorting
12 her concept of right and wrong, contributing to the
13 condition of the offense.

14 So the Court distances itself from the statements
15 made in the pre-sentence report concerning the fact that she
16 looked the other way.

17 The Court, in imposing sentence, needs to
18 acknowledge the mental health side of the victim. And,
19 therefore, as part of the recommendations later on, the
20 Court will recommend that she receive mental health
21 services.

22 The parties agreed on a sentence of 120 months of
23 imprisonment, which is the minimum term required by law.

24 The Court finds that the sentence to which the
25 parties agreed, plus the maximum term of supervised release,

1 reflects the seriousness of the offense, promotes respect
2 for the law, protects the public from further crimes by
3 Ms. Carrasquillo, and addresses the issues of deterrence and
4 punishment.

5 Therefore, it is the judgment of this Court that
6 Ms. Betsian Carrasquillo-Penaloza is committed to the
7 custody of the Bureau of Prisons to be imprisoned for a term
8 of 120 months.

9 Upon release from confinement, she shall be placed
10 on supervised release for a term of five years under the
11 following conditions:

12 You shall not commit another Federal, State or
13 local crime and will observe the standard conditions of
14 supervised release recommended by the Sentencing Commission
15 and adopted by this Court.

16 You shall not unlawfully possess controlled
17 substances and refrain from possessing firearms, destructive
18 devices and other dangerous weapons.

19 You shall undergo a sex-offense-specific
20 evaluation and/or participate in a sex offender treatment
21 and/or a mental health treatment program arranged by
22 probation officer.

23 You shall abide by all rules, requirements and
24 conditions of the sex offender treatment program, including
25 submission to testing, such as the polygraph, Able

1 Assessments, visual reaction testing, or any other testing
2 available at the time of your release.

3 You shall waive your right to confidentiality in
4 any records for mental health assessment and treatment and
5 sign any necessary release form required to obtain the
6 records imposed as a consequence of this judgment to allow
7 the probation officer to review your course of treatment and
8 progress with the treatment provider.

9 You will be required to contribute to the cost of
10 services rendered by means of co-payment based on your
11 ability to pay or the availability of third-party payments.

12 You shall be required to submit to an initial
13 polygraph examination and subsequent maintenance testing
14 intervals to be determined by the probation officer to
15 assess in treatment, planning and case monitoring as a means
16 to ensure that you are in compliance with the requirements
17 of your supervision or your treatment program.

18 You shall participate in an approved inpatient or
19 outpatient mental health treatment program.

20 The treatment will be determined by the officer,
21 in consultation with the treatment provider, and they can
22 adjust the modality, duration and intensity of the treatment
23 to the risk and needs presented by the offender.

24 The treatment will permit flexible movement along
25 the continuum of care, that is, outpatient, intensive

1 outpatient, residential and hospitalization, provide for
2 timely intervention in response to offender progress or
3 regression.

4 If medication is ordered by the physician, the
5 offender must comply with the medication regime.

6 You will contribute to the cost of services
7 rendered by means of co-payment based on your ability to pay
8 or the availability of third-party payments.

9 You shall refrain from any unlawful use of a
10 controlled substance and submit to one drug test within
11 15 days of release, thereafter, submit to random drug
12 testing, not less than three samples during the supervision
13 period and not to exceed 104 samples per year in accordance
14 with the Drug Aftercare Program Policy of the United States
15 Probation Office, as approved by this Court.

16 If any such samples detect substance abuse, the
17 Defendant shall participate in an inpatient or an outpatient
18 substance abuse treatment program for evaluation and/or
19 treatment as arranged by the probation officer until duly
20 discharged.

21 You shall provide the probation officer access to
22 any financial information upon request.

23 You shall not engage in a specific occupation,
24 business or profession bearing a reasonable direct
25 relationship to the conduct constituting this offense.

1 Specifically, you shall not work with children
2 under the age of 18 or hold a job that gives you authority
3 over potential victims, gives you access to vulnerable
4 populations or places her near a school or playground.

5 Any employment must be approved in advance by the
6 probation officer, who will make an assessment of the job
7 placement and set employment restrictions based on the Sex
8 Offender Management Procedures manual.

9 You shall consent to third-party disclosures, any
10 employer or potential employer.

11 You shall not reside, be in the company, date or
12 socialize with a child or children below the ages of 18,
13 unless previously approved by the probation officer and
14 after a third-party risk has been duly signed.

15 You shall not enter, loiter or work within
16 100 feet of any area or event frequented by people under the
17 age of 18, including but not limited to schools, daycare
18 centers, playgrounds, arcades, public swimming pools or
19 beaches unless approved in advance by the probation officer.

20 You shall have no personal contact with the victim
21 and/or minors under the age of 18 through mail, letters,
22 telephone communication, audio, visual, computer electronic
23 devices, visit social network sites or third parties unless
24 approved by the probation officer in advance.

25 The only exception to this condition relies in the

1 incidental contact in normal commercial life with minors.

2 You shall participate in a vocational training
3 and/or job placement program.

4 You shall not participate in any volunteer
5 activity or be involved in any youth or children's
6 organization or any group that would bring you into close
7 contact with a child or children under the age of 18, unless
8 prior approval from the probation officer.

9 You may have supervised or chaperoned contact
10 through personal mail, computer, electronic device with the
11 victim, if ordered by the Court.

12 The visit or contact must be previously approved
13 by the treatment provider and the probation officer.

14 You shall maintain a suitable residence approved
15 by the probation officer, which complies with all the
16 conditions of supervision and with the residency and
17 movement, restrictions of the jurisdiction where you may
18 reside, work, go to school or allowed to visit.

19 You shall obtain prior approval from the probation
20 officer prior to changing residences.

21 And you shall stay at your approved residence
22 every night and will not sleep or stay overnight anywhere
23 else without prior approval of the probation officer.

24 You shall not have access to the Internet at your
25 place of residence, unless approved by the probation

1 officer.

2 You shall submit to a search of your person,
3 property, house, residence, vehicles, papers, computers, and
4 other electronic communication or data storage devices or
5 media and effects to a search at any time, with or without a
6 warrant, by the probation officer, and if necessary, with
7 the assistance of any law enforcement officer in the regular
8 discharge of their duties, with reasonable suspicion
9 concerning unlawful conduct of a violation of the condition
10 of probation or supervised release.

11 The probation officer may seize any electronic
12 device, which will be subject to further forensic
13 investigation or analysis.

14 Failure to submit to such a search and seizure may
15 be grounds for revocation.

16 And you shall warn any other resident or occupant
17 that the premises may be subject to searches pursuant to
18 this condition.

19 You shall comply with the requirements of the Sex
20 Offender Registration and Notification Act, being 42 U.S.
21 Code section 16901 et sec as directed by the probation
22 officer, the Bureau of Prisons or any State, U.S. territory
23 or Indian Tribe, Sex Offender Registration Agency in which
24 you reside, work, is a student, carry on a vacation or was
25 convicted of a qualifying offense.

1 If you do possess a cellular phone, the same shall
2 be restricted to incoming or outgoing calls and voice
3 messaging system. No additional features will be allowed
4 without prior approval of the probation officer.

5 You shall cooperate in the collection of a DNA
6 sample as directed by the probation officer pursuant to the
7 revised DNA collection requirements and Title 18,
8 United States Code section 3563(a)(9).

9 You shall not purchase, possess, use or administer
10 any alcohol or frequent any businesses whose primary
11 function is to serve alcoholic beverages.

12 Having considered your financial condition, a fine
13 is not imposed.

14 A special monetary assessment in the amount of
15 \$100, however, is imposed as required by law.

16 At paragraph 17 of your plea agreement you read
17 that if this Court were to sentence you pursuant to the
18 recommendations contained in the plea agreement, that you
19 would waive and permanently surrender your right to appeal
20 the judgment and the sentence in this case.

21 The Court has just sentenced you to the
22 recommended sentence included in the plea agreement, which
23 was 120 months. Therefore, your waiver becomes effective,
24 and I will not advise you of any right to appeal the
25 judgment and sentence in this case since you have waived the

1 same.

2 Any remaining counts of the indictment are hereby
3 dismissed pursuant to the plea agreement.

4 The Court will also recommend to the Bureau of
5 Prisons that at whatever institution is designated to serve
6 her sentence, preferably at Coleman, in the State of
7 Florida, it is recommended that Ms. Carrasquillo receive
8 mental health services, psychotherapy in order to deal with
9 her history of victimization, incest and domestic violence
10 affecting her interpersonal relationships, parental skills
11 and psychiatric condition.

12 The Court also recommends to the Bureau of Prisons
13 that she be allowed to participate in drug and alcohol
14 treatment rehabilitation programs and that, also, she be
15 allowed to participate in educational support to finish her
16 GED, as well as any vocational and/or job placement
17 programs.

18 That is the sentence of the Court.

19 Anything further, Counsel?

20 MS. PLAZA-MARTINEZ: No, Your Honor.

21 MR. MORGAN: Nothing from the United States,
22 Your Honor.

23 THE COURT: Thank you. You may withdraw.

24
25 (PROCEEDINGS ADJOURNED AT 2:35 P.M.)

1 UNITED STATES DISTRICT COURT.)
2) ss.
3 OF PUERTO RICO)
4

5 **REPORTER'S CERTIFICATE**
6
7

8 I, JOE REYNOSA, do hereby certify that the above
9 and foregoing, consisting of the preceding 29 pages,
10 constitutes a true and accurate transcript of my
11 stenographic notes and is a full, true and complete
12 transcript of the proceedings to the best of my ability.

13 Dated this 17th day of December 2014.
14

15 S/Joe Reynosa_____
16 Joe Reynosa
17 Official Court Reporter
18 85 Calle Caribe, Apt 401
19 San Juan, PR 00907
20 808-255-4840
21
22
23
24
25